

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MOZZY CLARK,

Plaintiff(s),

v.

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
et al.,

Defendant(s).

CASE NO.
3:24-cv-06058-TMC

JUDGE TIFFANY M. CARTWRIGHT
CHAMBERS PROCEDURES FOR CIVIL
CASES

This Order sets forth the chambers-specific procedures that apply in civil cases. These procedures supplement the Federal Rules of Civil Procedure ("FRCP") and the Local Civil Rules ("LCR") of this district. When the term "counsel" is used in this order, it includes lawyers as well as any party representing themselves. When the term "party" or "parties" are used in this order, they include counsel.

I. COMMUNICATIONS WITH CHAMBERS

Parties should direct email inquiries to Courtroom Deputy Mary Trent at mary_trent@wawd.uscourts.gov. Matters that may be communicated by email include requesting a discovery conference, checking on a decision on a motion under LCR 7(b)(5), confirming trial procedures, or notifying the Court of settlement. All counsel should be copied on the e-mail when communicating with the courtroom deputy. Ex parte communications are strongly discouraged.

II. COURTESY COPIES

Courtesy copies are welcomed but not required for pleadings that in the aggregate

(*i.e.*, the brief plus any declarations or exhibits) are longer than 50 pages or upon Court request. If a party believes that the courtesy copies may be helpful, such as for complex graphs or images best viewed in color, the party may submit a courtesy copy to chambers for the Court's ease of reference. The courtesy copy must be a version of the document with the header generated by CM/ECF, as this header includes important information (*i.e.*, case number, page number, date filed, etc.). Courtesy copies should be printed double-sided. Courtesy copies should be three-hole punched and tabbed but *not* submitted in a three-ring binder, to avoid waste.

III. CROSS-MOTIONS

Judge Cartwright encourages parties filing cross-motions to agree to an alternate briefing schedule allowing for four briefs (one cross-motion, second cross-motion/opposition, opposition/reply, and reply) rather than a full six briefs (motion, opposition, and reply for each cross-motion). If the parties can reach an agreement on such a schedule and any necessary adjustments to the page/word limits, they shall submit a stipulated motion and proposed order for the Court's approval.

IV. ORAL ARGUMENTS

Judge Cartwright encourages opportunities for Rule 19 licensed legal interns and junior attorneys to appear and argue in Court. Requests for leave for Rule 9 interns to argue in Court will be freely granted, and the Court will permit multiple attorneys to argue if this creates an opportunity for junior attorneys to participate.

V. DISCOVERY DISPUTES

As required by LCR 37 (a), all discovery matters are to be resolved by agreement if possible. If agreement is not possible, before filing any discovery motions, Judge Cartwright requires the parties to request a conference with the Court. *See* FRCP 16(b)(3)(B)(v). The moving party must submit a joint statement to the Court briefly identifying the issue(s) in dispute. The joint statement shall be no more than three pages

1 and shall be filed via CM/ECF. Parties may attach exhibits to the joint statement. After
2 filing the joint statement, the moving party should contact Courtroom Deputy
3 Mary Trent at mary_trent@wawd.uscourts.gov to schedule a conference. All counsel
4 must be copied on the email.

5 Most discovery conferences take place via Zoom videoconference or telephone.
6 Judge Cartwright will typically resolve the dispute at the conference or in a minute order.
7 This process is meant to provide the parties with a quick and inexpensive resolution to
8 discovery disputes. It is not meant to prevent full briefing on a motion to compel when
9 necessary. If the discovery dispute involves a complex legal question that cannot be
10 resolved at the conference, Judge Cartwright will provide further direction to the parties
11 on a briefing schedule. If the parties believe full briefing is required, they should
12 explain that in their joint statement.

13 **VI. IN CAMERA REVIEW**

14 If the Court orders a party to submit documents for *in camera* review, the party
15 shall send an electronic copy of the documents to Courtroom Deputy Mary Trent at
16 mary_trent@wawd.uscourts.gov, If the document is longer than 50 pages, the party
17 shall also delivery a physical copy of the documents to the Tacoma Clerk's Office, clearly
18 marked for *in camera* review to avoid inadvertent filing on the docket.

19 **VII. ESI DISCOVERY REQUIRMENTS**

20 Judge Cartwright encourages parties to adopt in writing a version of the Court's
21 Model ESI Agreement tailored to the needs of their case. Whether they do so or not,
22 Judge Cartwright requires all parties to disclose their ESI search protocols to one another,
23 including custodians, data sources, file types, date restrictions, and search terms. Counsel
24 should confer in advance of document production to attempt to reach agreement on
25 search protocols as necessary throughout the case. If there is a discovery dispute related
26 to ESI, counsel must complete the search protocol disclosure before requesting a

1 discovery conference with the Court.

2 **VIII. SETTLEMENT CONFERENCE REQUIREMENT**

3 Judge Cartwright's scheduling order includes a deadline for an attorney
4 settlement conference. This is not a conference with the Court but rather a requirement
5 that counsel participate in a good-faith discussion about options for settlement,
6 including whether to engage in mediation. Of course, Judge Cartwright encourages the
7 parties to consider possibilities for settlement throughout the litigation.

8 The Court expects parties who can afford private mediation to do so before
9 requesting a conference with a settlement judge. Parties who cannot afford private
10 mediation may request a pro bono mediator pursuant to Local Civil Rule 39.1(c)(4). If
11 private mediation has failed, but all parties believe the case would benefit from further
12 settlement discussions, the parties may request a settlement conference with a Magistrate
13 Judge. Those requests should be made by email to Courtroom Deputy Mary Trent
14 at mary_trent@wawd.uscourts.gov.

15 **IX. EXPERT DISCOVERY**

16 Judge Cartwright's scheduling order contains a single deadline for the discovery
17 cutoff, which includes fact and expert discovery. The parties are expected to cooperate
18 and manage their case to ensure any fact discovery that is needed for expert witness
19 preparation is completed in advance of the deadline for expert disclosures. If a producing
20 party is delaying discovery in a way that interferes with expert witness preparation, the
21 requesting party should seek a conference with the Court as soon as possible. If the
22 parties have a specific need for phased discovery, they should make that request in their
23 joint status report at the beginning of the case.

24 **IX. SCHEDULING TEMPLATE**

25 To aid the parties in drafting request for schedule continuances, Judge
26 Cartwright's preferences regarding case scheduling are listed here. Please note

Judge Cartwright requires approximately 120 days between the deadline for filing dispositive motions and the trial date. Stipulated motions proposing a schedule that does not comply with this requirement will be denied. Judge Cartwright disfavors trial continuances and will not grant them absent good cause beyond the normal process of litigation. A failure to complete discovery within the time frame allowed or a decision to engage in settlement discussions does not on its own create good cause, although Judge Cartwright will consider requests for brief continuances where the parties have secured a mediation date or where there is a compelling reason that discovery could not be completed as scheduled.

Event	Date
JURY TRIAL SET FOR 9:00 a.m. on	Trial Date
Length of trial	___ days
Deadline for joining additional parties	Today +3 months
Deadline for filing amended pleadings	Today +3.5 months
Disclosure of expert testimony under FRCP 26(a)(2) due	TR – 7 mos
Disclosure of rebuttal expert testimony under FRCP 26(a)(2)	TR – 6 mos
All motions related to discovery must be filed by	TR – 6 mos
Discovery must be completed by	TR – 5 mos
Attorney Settlement Conference	TR – 5 mos
All dispositive motions and motions challenging expert witness testimony must be filed by this date (<i>see</i> LCR 7(d)). Such motions must be noted for consideration no later than 28 days thereafter (<i>see</i> LCR 7(d)).	TR – 4 mos
All motions in limine must be filed by	TR – 37 days
Proposed jury instructions and agreed LCR 16.1 Pretrial Order due, including exhibit list with completed authenticity, admissibility, and objections fields	TR – 22 days

1 Trial briefs, proposed voir dire questions, and deposition
2 designations due

TR – 21 days

3 Pretrial conference scheduled at 10:00 a.m. on

TR – 13 days

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5 The foregoing Minute Order is entered by /s/ Mary Trent Deputy Clerk, **BY**
6 **DIRECTION OF THE HONORABLE TIFFANY M. CARTWRIGHT, UNITED**
7 **STATES DISTRICT JUDGE.**

8 DATED: The 1st of April 2025
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